

Carmel/Clay Technical Advisory Committee
Minutes
June 19, 2002

Jon Dobosiewicz – Carmel DOCS
Chuck Shupperd – Vectren Energy
Dean Groves – Cinergy/PSI
Mike McBride – Carmel Engineering
Steve Cash – Ham. Co. Surveyor
Sharon Prater – Panhandle Eastern

Laurence Lillig – Carmel DOCS
Steve Broermann – Ham. Co. Highway
Tom Skolak – Carmel Postmaster
John Duffy – Carmel Utilities
Jim Blanchard – Carmel DOCS

Laura Vista Subdivision (Primary Plat) 81-02 PP

The applicant seeks approval to plat a 54-lot residential subdivision on 34.94 acres. The site is generally located south of Danbury Estates subdivision between US 31 and the Foster Estates Subdivision. The site is zoned R-1/Residence.
Filed by Brandon Burke of The Schneider Corporation for Primrose Development, LLC.

Will Wright presented the primary plat and introduced Jim White, Primrose Development Company, LLC, and Brandon Burke, Schneider Corporation. The 33-acre parcel is located contiguous to the Foster Estates that Mr. Wright developed under the name of Quadrant Development Company. There are a number of acres of natural forest. The layout is focused toward an empty-nester product with 65 and 70-foot wide lots and a 150 foot deep lot minimum. There is one existing residence that is under different title shown on the drawings as lot 54. It is a non-conforming lot by today's City of Carmel standards. The petitioner voluntarily included them into the subdivision and provided an egress access of a 50-foot wide frontage on a public road. The area will consist of 53 single-family custom home lots to be built most likely by Primrose Homes, Inc. Primrose has done everything they can to preserve the existing trees and given an egress road to the next property for future development. The homes will be in the \$350,000 price range. Mr. Wright displayed an exhibit of the subdivision. Common areas and lots are depicted. Cool Creek runs through the subdivision, there will be a new highway extension, and the main sewer line goes under the bridge. Will Wright has spoken to the County about obtaining an easement. He believes there will be no problem doing so.

Steve Broermann assumes they spoke with Jim Neal. Mr. Wright responded they talked with Mike Howard. Brandon Burke stated he briefly discussed the manhole with Jim Neal last Friday. They want access to one of the two manholes on the south side. They are not relocating them. Plans indicate the two manholes on the south or east side of creek are not being relocated. There may be access through the piers on the bridge. Brandon Burke would like to obtain a digital file so he can specifically figure out the bridge to determine solid easement. Clint Sparks, American Consulting, referred him to Jim Neal.

John Duffy discussed the sanitary the sewer interceptor. The road plans with the ramp show the manhole to be relocated. Mr. Duffy did not know about this until a week ago. The City is working with American Consulting on a new route for the interceptor on the northwest corner of property. Carmel is laying out an alternate route today. Mr. Duffy believes it will be an easier relocate than originally proposed. It should meet everyone's needs. It will be in the northwest corner and is a much straighter shot. Will Wright agreed to the new plan. Will Wright asked John Duffy to get the plan to Brandon Burke to make certain, as early as possible, that it is compatible.

Steve Broermann asked to be kept in the loop. He expects to receive something from American Consulting Engineers. The parcel will be voluntarily annexed. Mr. Broermann needs an inter-local agreement. It will be sent to Brandon Burke with a copy to Jim White.

Chuck Shupperd stated gas service would come out from Foster Estates.

Mike McBride said Dick Hill wrote a summarized comment letter. More comments will follow once Engineering receives detailed construction drawings and drainage plans. There may also have comments regarding the proposed trail through the subdivision. Will Wright agreed to the necessary rights of way for the trail.

Tom Skolak had no comment.

Dean Groves asked Mr. Burke for an auto cad. It will be e-mailed to him. Mr. Groves is trying to get power to the subdivision. He does not know if it can come off Foster Grove Subdivision. Mr. Wright would like to be under construction within three months.

Jon Dobosiewicz asked Mike McBride to expand about rights of way. He wants the trail to follow the sanitary easement. Carmel has sent requests for proposals to several engineering firms for this trail. A meandering trail is anticipated if it works for everybody. Jon Dobosiewicz stated the developer would be responsible for construction of the trail. The existing sanitary line crosses the creek on the west side of the new ramp and then heads northeast. There is an existing manhole. Will Wright inquired if the City expects his company to change the sewer line. Mr. McBride said the City did not. However, Carmel can require the easement. Mr. Wright agreed to provide it.

Jon Dobosiewicz recalled the developer's information packet stated a willingness to provide an easement for the trail. This will be done at the developer's expense. It will be asphalt and similar to the Monon Greenway. Mr. Wright agreed but he will not redo the sanitary sewer. Jon Dobosiewicz stated if this is the final plan, there are several waivers pursuant to the Open Space requirements. They have spoken about the separation between Foster Estates and these lots. A minimum of 75-feet of open space is required. Density is okay, but the lot sizes must be meet the R1 standards. The Plan Commission will have to approve the waivers. Mr. Dobosiewicz referred to Section 6.3.21 of the Standards of Design. Subdivisions consisting of 15 or more lots must have at least two points of access. He continued to quote and stated it is important that the Plan

Commission be able to find it to be appropriate the continuation of existing, planned or platted streets on adjacent tracts (Foster Estates) or the extension of proposed streets to the boundary of the subdivision. Jon Dobosiewicz stated it is critical to explain this thoroughly to the Plan Commission. Recently, a similar development was denied. Laura Vista will be less dense than Foster Estates. The Open Space summary stated permitted density is 2.9 plus 1.5. Mr. Dobosiewicz believes the math is accurate. They are permitted 112 units if they had access. Will Wright is not interested in smaller lots. Charlie Frankenberger should determine what waivers are necessary. The City will point these out. The Plan Commission must recognize this is being platted and the Department of Community Services has found access through Laura Drive and extension of the stub is providing that. Will Wright stated their product does not require 150-foot deep lots. They thought of an easement at the back of the lots, but wanted to deed to the property owners that property. This would then not increase common area maintenance for the homeowners association. There is a natural barrier that the 50 feet represents. He will explain this to the Plan Commission and hope they agree. Mr. Wright said he is more interested in the quality of the project than meeting the letter of law. Mr. Dobosiewicz said the Plan Commission might not recognize it as adequate access. The other issue identified is the existing non-conforming lot. It needs 50 feet of frontage on a public street. This requires another waiver. Will Wright stated there is a right of way that comes off that easement. Laurence Lillig responded this easement would not satisfy the Ordinance. The lot must have its own 50-foot width of right of way. The existing home is non-conforming and should not have been approved at closing. They are on an access easement. The house is 55-60 years old. It is an odd configuration. Jon Dobosiewicz hopes the Plan Commission recognizes this is closer to the best use of the property. The ramp will come through the site, the sanitary easement will be relocated, and there will be development to the south. There will not be driveway cuts onto Keystone or Smokey Row. Access will be through existing subdivision. The existing house gains access through Danbury Subdivision. The fire department has requested a cul de sac at the second access. Mr. Wright questioned this. It is only 170 feet but is two lots deep. Mr. Wright asked if he could obtain a waiver on a cul de sac because the property to the south will eventually be developed. Mr. Lillig stated this would not be a permanent cul de sac; it will be pulled out later. The Fire Department must be able to turn their equipment around. The petitioner needs to speak with Gary Hoyt of the Carmel Fire Department. Jon Dobosiewicz stated this would not be a problem if it were only one lot deep. This would be done on the petitioner's property, possibly reserving use of one lot. Emergency services are a concern. Jon Dobosiewicz spoke about the front yard setback. The current Ordinance will be amended. A 20-foot building line can be platted. However, a side load garage door must be 25 feet back to provide ability for a car to be parked. Mr. Dobosiewicz suggests platting to 25 feet. Will Wright agreed. Jon Dobosiewicz will write a letter to Charlie Frankenberger and will copy Mr. Wright.

A copy of Scott Brewer's landscape comments was distributed. He needs a landscape and tree preservation plan. He had comments about the drainage and utility easement on the south side and asked if it could be closer to the houses to preserve the tree line. Will Wright was unwilling to immediately commit to this but will look at it. They designed the subdivision layout to save trees. Brandon Burke commented that based on design of

site with hydraulics, the cul de sac might be raised above existing grade. They might have to taper back to the property line to put in a swale. With the final design, the petitioner will try to extend the easement as far off the property line as possible to preserve as many trees as they can. There is a healthy row of trees. The petitioner might make the whole thing a drainage/utility easement to mitigate the total loss of trees. The minimum width for a utility easement is 20 feet. Along the perimeter it is 15 feet. Between lots it is 20 feet. It is reduced to a 10-foot easement. It must be provided at 20 feet or provide an easement on that lot site. Jon Dobosiewicz stated the width of easement is 7.5 feet at either side of the property line between lots 12 and 13 and lots 33 and 34. The Ordinance calls for 20 feet. Mr. Dobosiewicz wondered if they could put the inlets and storm sewers between lots 13 and 14 and the backsides of 31 and 32. Lot 33 also has a 10-foot drainage and utility. They could pull the storm pipes one lot south and eliminate the easement between lots 33 and 34. Brandon Burke will evaluate the plan especially when they go into final plan and know the exact location of utilities. Between lots 26 and 27 and lots 44 and 45 the easement has narrowed. Mr. Wright stated they could make adjustments if they know this now. Mr. Dobosiewicz will write a letter.

Laurence Lillig inquired about the storage barn structure. Jim White stated it would be torn down. It does not meet setback requirements. An easement would require a developmental standards variance. The petitioner is in the process of submitting a signage plan. This will require Plan Commission approval. An example was shown. There will be lighted, twin signs. A copy of the signage plan is needed for the file and Plan Commission packets. If the signs are within a landscape easement, Board of Public Works approval is needed for encroachment if within City limits. If the parcel is not annexed, it will need approval from the Surveyor's office. No utilities will go through there. Common Area C could be used. It might be easier to just get rid of the easement. Mr. Lillig stated subdivision signs require sign permits. He asked the petitioner to check his previous subdivisions to make certain they have obtained sign permits. Application is necessary after the fact. Signage for this subdivision is a part of the primary plat application. Once approval is granted, a sign permit is required.

Common Area #4, Windsor Grove Subdivision 82-02 PP Amend, 83-02 SP

The applicant seeks approval to replat Common Area #4 of the Windsor Grove Subdivision into a new lot (Lot #36) within the existing subdivision. The site is located within the Windsor Grove Subdivision at the southwest corner of West 106th Street and Towne Road. The site is zoned S-1/Residence – Very Low Density. Filed by Dennis Olmstead of Stoepelwerth & Associates, Inc. for Jim Caito.

Dennis Olmstead presented the case. Also in attendance was James Caito, Windsor Grove, LLC. This amendment to the primary plat will eliminate Common Area 4 replacing it with building lot 36. The infrastructure is in place; the sewer lateral is already provided. This is a simple change that does not affect any previous approvals. There is no change in drainage. There are 37 plus acres within Windsor Grove Subdivision.

Steve Broermann had no questions. He requested a copy of the final plat and review sheet when available.

Chuck Shupperd had no concerns.

Steve Cash did not receive plans. This new lot is across from lots 7, 8, and 9. It was Common Area 4. Mr. Cash had no further comments.

Dennis Olmstead stated there is no change beyond replatting the land from a common area to a building lot. The site might have been used for a pool house and pool. The size of the subdivision could not support it.

Dean Groves, Tom Skolak, and Jim Blanchard had no comments.

Jon Dobosiewicz made the recommendation to replat the common area instead of replatting the entire subdivision. Dennis Olmstead thought it would be cleaner as a replat. The Plan Commission has changed their Rules of Procedure to allow the Subdivision Committee to approve a primary plat amendment. A public hearing is still required. The Subdivision Committee could approve this in the first week of August. Mr. Olmstead sent notices yesterday. Jon Dobosiewicz will ask the Plan Commission to waive their rules and approve the amendment on July 16th. There are no issues to review. Dennis Olmstead will provide the replat. It will take 30 days after the primary plat is amended before the Department of Community Services can sign off. This period of time provides opportunity for anyone to file an appeal. Jon Dobosiewicz anticipates approval of the primary plat amendment on July 16th. Laurence Lillig inquired about subdivision signage. Jim Caito did not know. Dennis Olmstead believes there was a plan that was submitted with the initial plat. The signage was erected without a sign permit. There is a gatehouse structure in Common Area 7. The median is narrow; it is 10-15 feet wide. Steve Broermann stated the structure is okay. The median is wide enough and there is the necessary right of way. This went through the County. Laurence Lillig will provide an application for a sign permit this morning.

Keystone Office Park – Amerivest Office Building (Development Plan) 86-02 DP/ADLS

The site is located at 3077 East 98th Street (southeast corner of 98th Street and SR 321).

The site is zoned by B-3/Business.

Filed by Charles Frankenberger of Nelson & Frankenberger for Sheridan Realty Partners, LP.

Charlie Frankenberger represented Sheridan Partners for approval of a parking lot and additional building in Keystone Office Park at the southeast corner of Keystone and 98th Street. The office park has four two-story brown, brick buildings just north of the Penske and Dan Young car dealerships. The petitioner wants to construct another building and parking lot on the eastern edge. The B-3 zoning requires ADLS and DP approval from

the Plan Commission. Drawings and plans were given to the Department of Community Services and TAC members.

Steve Broermann had no comments.

Chuck Shupperd believes the existing buildings are totally electric. He had no comments.

Mike McBride stated Dick Hill wrote a letter. He asked their engineer to certify these are the same drawings that were previously approved and reviewed. Carmel will wait for that certification before providing further comments. Mr. Frankenberger will get a response to Mr. Hill's letter.

Steve Cash said this project does not affect any regulated drains and no permits are needed. He asked if this is being built over the existing detention area. Charlie Frankenberger did not know but will check. There is a low area with an inlet where the parking lot is proposed. Mr. Cash wished to provide a "heads up" regarding the matter. He distributed his letter.

Jim Blanchard requested a pre-submittal meeting prior to issuing permits. He gave Mr. Frankenberger a checklist.

Tom Skolak will take care of mail delivery.

Dean Groves thought this was in their territory. He will check the area.

Jon Dobosiewicz had written landscape comments from Scott Brewer. Laurence Lillig will have additional comments about right of way. A 25-foot access easement is identified on the east side of the property. A great deal of landscaping is proposed in that area. Mr. Dobosiewicz will write a letter regarding issues addressed by the B-3 zoning.

Laurence Lillig stated over the past 10-15 years the City has been gathering commitments for the right of way on LaSalle Street to extend it between 96th and 98th Streets. The Amerivest property is the last parcel needed to make this connection. It requires a 25-foot half right of way on the east side of the property. Mr. Frankenberger does not know if this is an existing easement. He stated the question is whether that indicates a willingness to dedicate or is it a separate easement. Laurence Lillig said it is shown as a proposed 25-foot access easement. It seems the surveyor knows where LaSalle goes but they are proposing landscaping and two parking areas and a dumpster pad that encroach. Mr. Frankenberger knows they are aware of the request for additional right of way. He is concerned about whether the road will be built. It is not on the thoroughfare plan. Laurence Lillig agreed it is not on the most current version. He thinks it was inadvertently dropped. Kelli Lawrence will address that error in the next thoroughfare plan amendment. The petitioner is concerned whether this project justifies such a significant dedication of right of way. However, the client is aware and considering their position. Mr. Lillig is concerned about making the LaSalle Street connection work. Several variances will be needed. Then, this becomes a front as well. The setback will be affected and the parking arrangement will need to be reconsidered. Mr. Lillig stated the petitioner might shift the building north and put the

majority of the parking to the south. The parking areas will need to be less deep. By shifting the building north or south they avoid the long/narrow parking. That would move the parking out the LaSalle right of way. Charlie Frankenberger said assuming they agree to dedicate this land; he needs to reevaluate the site and identify which variances are required and file for them. The City is willing to support the variance requests to make this happen. The cross hatches at the north end of the site are occupied partially by the 98th Street right of way. Jon Dobosiewicz noticed that parking spaces are terminated. The petitioner could pick up lost parking by shifting it to the west. It would pull the spaces out of the right of way. Jon Dobosiewicz will write a letter. Mr. Lillig inquired about the heavy-duty asphalt at the south side in the drive. Mr. Frankenberger does not know why it is there. A dumpster pad is nearby, but a single garbage truck does not necessitate the heavier asphalt.

Carey Lake Subdivision (Primary Plat) 84-02 PP, 85-02 SP

The applicant seeks approval to plat a 10-lot residential subdivision on 6.19 acres. The site is located on the south side of 146th Street, 1/8 mile east of Carey Road. The site is zoned R-1/Residence.

Filed by David Barnes of Weihe Engineers, Inc. for Springmill Builders, Inc.

Dave Barnes distributed a revised primary plat layout of the Subdivision. Also in attendance were Kent Shipley and Marvin Taylor, Springmill Builders, Inc. The lots have changed a little but are not significantly different. The parcel is zoned R-1, however, the petitioner is now filing under the Open Space Standards. The streets and utilities have not changed. There will be two more lots and additional open space. The entrance will be off 146th Street. The sanitary sewer flows through the Worthington Subdivision. They will be able to outlet storm water through the subdivision's lake into Worthington pond. Carmel utilities will service the project. The location is off 146th Street east of Carey Road. Mr. Barnes invited questions.

Steve Broermann asked if the site would be annexed. It is currently the subject of an annexation ordinance. It will be adopted by the City Council within the next 30-45 days. Construction will need a permit for the road cut. Nothing has changed since their meeting yesterday. There are no new questions; Mr. Broermann had no more comments. Steve Broermann expanded about that meeting. The petitioner brought up the possibility of exchange of median cuts to allow one at their entrance. The County is not willing to entertain that idea. Hamilton County suggested eliminating the cut at the existing house. The driveway cut is in the left turn lane. The other house has its own cut. The property on the north side has a right in and right out. The property in Westfield on the north side will not get a cut if developed. There is a full-dedicated left turn into Brentwood Subdivision. If the room exists for left turns in both directions and there is enough stacking room, the County will consider that idea. But the left turn lane does not give enough room for stacking for a left in the other way. The problem is not enough room for any stacking.

Chuck Shupperd said the gas facility is there. Jerry Breeck is the sales representative for the area.

Mike McBride said Dick Hill wrote a letter with their preliminary comments. Engineering needs drainage calcs and construction plans.

Steve Cash distributed his letter. His annexation question was answered. No regulated drains affect the project and Mr. Cash will defer to the City. However, drainage calcs are still needed for County files.

Jim Blanchard had no comments.

Tom Skolak asked when work would begin. This fall is anticipated. He needs a copy of plat.

Marvis Taylor stated homes prices would be in the \$300,000 to \$400,000 price range.

Dean Groves needs cad files, etc.

Jon Dobosiewicz said that based on the revised layout, lots 5 and 6 need 50 feet at the right of way line. The easement between lots 4 and 5 needs to be 20 feet in width. Mr. Barnes will increase it. The City of Carmel will defer 146th Street calls to the County. If the property is improved to the north, Mr. Dobosiewicz inquired about the County's position on stacking and offset. He asked what is the better situation. Steve Broermann said if it does not meet offset requirements, it would not be approved. The County does not want any additional cuts to 146th Street. This property has access to Carey Road. It will take a strong point for the County Commission to agree to a cut in the median. Jon Dobosiewicz asked for clarification. He recommends the Highway Department put together a position statement on this location for further development of a subdivision to the north. It should address the denial of another cut. The issue of the offset would not meet offset requirement. County standards have increased to almost 500 feet. Westfield would need a permit from the Highway Department.

Laurence Lillig understands the petitioner anticipates subdivision signage. It requires Plan Commission approval. It is easiest to propose signage at the time of primary plat approval. Otherwise, ADLS approval will be required later. Subdivision signage cannot be within the 50-foot right of way. The petitioner will need a sign permit. If the sign easement is collocated with the drainage/utility easement, it will need Board of Public Works approval.

Brandywine, Section 3, Lot 35 (part) & 36 (part) – Church of Jesus Christ of Latter Day Saints (Parking Lot Expansion)

The site is located a 10710 Shelborne Road. The site is zoned S-1/Residence – Very Low Density.

Filed by Frederick A. Parker of Weihe Engineering for the Church of Jesus Christ of Latter Day Saints.

Fred Parker introduced Chuck Keraga, KC Associates Architects. They represented the church. This existing facility has been in place for about 14 years. There are 120 parking spaces. An additional 50 spaces are needed. A small detention area is planned to handle the storm runoff of the hard surface. Landscaping is proposed.

Steve Broermann understands nothing will be built in the right of way except some asphalt replacement. It will be resurfaced and widened by two feet. No permit is needed; he will write a letter.

Chuck Shupperd stated there is no gas service there.

Steve Cash sent his letter to Dave Barnes in error. He gave a copy of his letter to the petitioner. This project is within the watershed of the Crooked Creek Drain. It has an allowable discharge rate of either 0.24 or 0.25 cfs. This should be addressed in their runoff calcs. The calcs look like they fall within acceptable limits, but the specific requirement was not noted. Fred Parker agreed to revise the calcs. Another project is coming in that could affect the outlet. That developer should contact Mr. Parker about discharge. Coordination between projects is needed. There is only one permit now; there is not a separate inlet or outlet permit.

Jim Blanchard had no comments.

Sharon Prater stated the parking area would not effect Panhandle's easement, but she needs a set of plans.

Jon Dobosiewicz asked if there are any plans to expand the facility. Mr. Keraga said no. The church has purchased the property to the south of this parcel. This might be used for something in the future. Presently, it is a dream of the congregation to construct another building that has a different use than the temple. It is on the other side of the pipeline and would be a separate project. Two congregations currently meet there. Once a third congregation meets there and a four is needed, another building might be constructed. The parking is to accommodate the third unit, as there is an overlap of schedules. The Ordinance requires the construction of a 10-foot asphalt path along Shelborne Road if this came in as a brand new use. If the petitioner is not returning to the BZA for Special Use amendment, the path is not required at this time. A commitment on the part of the church to construct the 10-foot wide asphalt path and dedicate right of way, pursuant to the thoroughfare plan, across the entire frontage subject to development of the land to the south, might satisfy that requirement. There is a pathway on either side of the street today. But if installation of the path now inhibits the proposed project, the City could consider acceptance of a real estate commitment that would bind development of the south site, on the other side of pipe line, to constructing the path and dedicating a 45-foot half right of way. Mr. Dobosiewicz does not believe the church would be opposed to dedicating an additional five feet today to construct a path in the future. Mr. Keraga will

address the proper people in the church for a commitment. Laurence Lillig stated it might be cost effective to install the pathway today because of the parking lot construction. Steve Broermann stated additional right of way should be required. Chuck Keraga thought the pipeline approval got it widened. It is still 40 feet. The sanitary sewer was cut back behind the right of way for additional 5 feet. Laurence Lillig distributed Scott Brewer's comments. There are only minor changes. Mr. Parker should contact Scott Brewer directly with questions. The petitioner will ask the church to make the right of way 45 feet instead of 40. They will work with Steve Broermann to accomplish this. Mr. Broermann needs a legal description.

Pilgrim Lutheran Church (Special Use) 140-02, (Variance) 141-02

The site is located northwest of the intersection of West 106th Street and Shelborne Road. The site is zoned S-1/Residence – Very Low Density.

Filed by James J. Nelson of Nelson & Frankenberger for Pilgrim Lutheran Church.

Charlie Frankenberger presented the case for Pilgrim Lutheran Church. They are asking for approvals to place a church on the northwest corner of 106th Street and Shelborne Road. In total, it is a 21-acre site; six acres are not buildable because of the pipeline. The parcel is zoned residential. A Special Use approval is needed. Normally the use and site are approved together through Special Use. The church is currently located on the west side of U.S. 31 across from Tutwiler Cadillac. The real estate may be taken in the future because of improvements to U.S. 31 and U.S. 465. Therefore, the congregation must secure land now before they know what they are building. The petitioner is asking for the Special Use approval now and will agree to return later to the Board of Zoning Appeals with specific site and building plans. What has been received is just a conceptual site layout and not necessarily a plan they will build. It simply provides more specificity to their use request. Also in attendance were Darren Pike, John Schumm, and Mark Peters of Pilgrim Lutheran Church. Mr. Frankenberger requested comments.

Steve Broermann inquired about the use of the education building. The facility will be used as a preschool and Sunday school. The general time schedule is 9:00 a.m. to 12:30 p.m. with some classes ending at 2:30 p.m. Mr. Broermann is concerned about the need for two entrances and has not fully decided on this. Road improvements are needed. The road must be widened and the left turn lanes constructed. Whether there are one or two entrances, there will be left turns needed unless the church decides to make it a one-way loop. Typical improvements are needed for right turn lanes. Mr. Frankenberger will request a variance. Construction must begin within one year after a Special Use is granted. A six-month extension is possible. However, that time frame is not enough. Consequently, the petitioner will ask for the earlier of five years or within a certain amount of time after specific plans are approved. Steve Broermann will write a letter expressing the County's decision on one or two entrances. Information will also be given regarding road improvement and turn lanes. Charlie Frankenberger does not think it is necessary to agree exactly on how they will handle everything. There will be an opportunity to discuss this when the petitioner brings in their specific plans. Dedication

of right of way on 106th Street will also be investigated. Mr. Broermann will include that information in his letter also.

Steve Cash suggested improving the open ditch. It begins west of the house and a pipe is there. The ditch is overgrown with willows. It will be in the interest of the church, for the sake of maintenance, to install a pipe and cover over it. There is a pipe in front of the fire station. The petitioner should verify the condition of the existing pipe. The banks of the ditch are steep; they cannot be well maintained. Steve Cash wrote a letter earlier listing a few of their concerns. There is an allowable discharge rate for this watershed that must be incorporated into their design. There are a couple of existing drainage ways that come through the site. They run right with the gas easement line. Mark Peters understands something is there. It is important to ensure that the water passes through from point A to point B. There are several options the petitioner may pursue. Mr. Peters requested a preliminary meeting. Mr. Cash agreed. The open ditch along 106th Street was already mentioned. It was petitioned to be part of county drain across the fire station. Mr. Cash is not certain of its status. The pipe in front of the fire station is part of the regulated drain. This provides a mechanism for it to be maintained.

Sharon Prater believes the petitioner has delineated their gas line. It has been located. Mr. Peters stated the easement boundary is drawn. Ms. Prater will not permit athletic fields within the boundary. Darrell Pike inquired what is allowed. Sharon Prater responded only grass. Landscaping, permanent structures, or public gatherings are not allowed. Panhandle Eastern wants to keep everything off the gas easement. It is important that pipelines and easements are drawn correctly. These are public health/safety/welfare concerns. Federal regulations are becoming more stringent. Ms. Prater gave Mark Peters her business card. He will forward a copy of the survey and discuss the accuracy of pavement areas and easements. Part of the easement belongs to Equilon. The contact person at Shell is Roy Boward. He handles encroachment. Richard Waddell is the plant manager. Mark Peters wants to validate and make certain they are not encroaching. Ms. Prater asked the petitioner to move their athletic fields. The pipeline's standard amendatory agreements prohibit the gathering of people on easements. Sharon Prater needs her entire easement to avoid conflict. Jon Dobosiewicz wants to make certain petitioners all understand nothing can go into easements. He cited University High School's plan for soccer fields. Ms. Prater stated a written agreement is important

Jon Dobosiewicz understands the special use request is to approve the idea that a church would be permitted on the property. Use would be approved, but not the site of the buildings. Because there will be so many BZA approvals to the site improvements, this is difficult. The church wants it approved for five years. Mr. Frankenberger said the problem is limited land. The Lutheran Synod establishes that the church has a finite area in which to relocate. Land may be too expensive in the future. Pilgrim Lutheran Church wants some assurance of Special Use approval. They are splitting the approval. Usually, it is use and actual site buildings. If the Board of Zoning Appeals approves the use, the church will have enough confidence to buy the land. They need this for certainty that the use will be acceptable. The church must have a location.

Laurence Lillig looked at the vacation document. The Department of Community Services does not recognize it as valid. The developer did not go through the City or County for vacation in 1987 or 1988. It was under the same law that is in effect today. The City will put together a vacation application. Mr. Lillig believes the mechanism has been in effect for more than 15 years. The vacation document has no file, no City or County approval. It is simply an instrument that was signed by the developer and recorded. Mr. Lillig will determine how to clean it up. The findings used in the document are the same as are in the statute today. The correct part of code was used. Laurence Lillig does not believe this will be a big road block.

The meeting adjourned at 11:37 p.m.